

**ZONING BOARD OF APPEALS**

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ZBA 2012-15

Petition of Kara & Todd Gordon
73 Chesterton Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 1, 2012, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of KARA & TODD GORDON requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that construction of a 426.75 square foot second story addition over an existing structure that meets all setback requirements, on an existing nonconforming structure with less than required front yard and right side yard setbacks, at 73 CHESTERTON ROAD, in a 10,000 square foot Single Residence District and a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On February 13, 2012, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Todd Gordon (the "Petitioner"), who said that he has lived at 73 Chesterton Road for the past 4 ½ years. He said that they would like to put a second story two-bedroom addition over an existing family room. He said that the existing space has a flat deck on it.

Mr. Gordon said that the proposed addition will be approximately 400 square feet. He said that the proposed construction will meet all Zoning requirements. He said that the proposed construction will not intensify the existing nonconformities or result in any additional ones.

Mr. Gordon said that the house was built in 1950.

The Board said that it appears that most of the addition will be hidden behind the house and will not be highly visible from the street.

The Board asked about installing windows on either side of the chimney located in bedroom #6 for the benefit of the neighbors. The Board said that the proposed plan presents a blank surface to the neighbor.

The Board said that this would be considered to be a modest addition in this neighborhood.

Michael Hart, 26 Richland Road, said that his road parallels Chesterton Road. He asked for clarification of the location of 73 Chesterton Road in relation to his property at 26 Richland Road. Mr. Gordon said that they are located at the very end of Chesterton Road toward Wingate Road.

Statement of Facts

The subject property is located at 73 Chesterton Road, in a 10,000 square foot Single Residence District and a Water Supply Protection District, with a minimum front yard setback of 26.2 feet and a minimum right side yard setback of 19.4 feet.

The Petitioner is requesting a Special Permit/Finding that construction of a 426.75 square foot second story addition over an existing structure that meets all setback requirements, on an existing nonconforming structure with less than required front yard and right side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 1/23/12, stamped by Bradley J. Simonelli, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevations Drawings, dated 6/21/11, prepared by Todd & Kara Gordon, and photographs were submitted.

On February 28, 2012, the Planning Board reviewed the petition and recommended that the Special Permit be granted.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that construction of a 426.75 square foot second story addition over an existing structure that meets all setback requirements, on an existing nonconforming structure with less than required front yard and right side yard setbacks shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it shall neither increase an existing nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of a 426.75 square foot second story addition over an existing structure that meets all setback requirements, on an existing nonconforming structure with less than required front yard and right side yard setbacks, in accordance with the submitted plot plan and construction drawings.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.

David G. Sheffield, Acting Chairman

Robert W. Levy

Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm